

STATE OF INDIANA     )  
                                  ) SS:  
COUNTY OF MARION    )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NO.: 15729-AG17-0310-060

IN THE MATTER OF:

Jeffrey Biesen  
Respondent

2108 Chandana Trail  
Valparaiso, IN 46383

License Number: 1690000  
Type of Action: Enforcement

**FILED**


DEC 22 2017

STATE OF INDIANA  
DEPT. OF INSURANCE

ORDER VACATING ORDER GRANTING MOTION TO LENGTHEN EMERGENCY

SUSPENSION

Indiana Department of Insurance Commissioner Stephen W. Robertson, now being so advised, hereby vacates the Order Granting Motion to Lengthen Emergency Suspension filed on December 15, 2017, due to the Final Order on the matter being issued, effective this 22 day of December, 2017.

  
Stephen W. Robertson, Commissioner  
Indiana Department of Insurance

Distribution:

Mary Watts  
BINGHAM GREENEBAUM DOLL LLP  
2700 Market Tower  
10 W Market St.  
Indianapolis, IN 46204-2982

Claire Szpara  
INDIANA DEPARTMENT OF INSURANCE  
311 West Washington Street, Suite 103  
Indianapolis, Indiana 46204  
(317) 232-5312

STATE OF INDIANA     )  
                                  ) SS:  
COUNTY OF MARION    )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NUMBER: 15729-AG17-0310-060

IN THE MATTER OF:

Jeffrey Biesen  
JRB Insurance Group, LLC  
d/b/a JBI Insurance Group  
2108 Chandana Trail  
Valparaiso, IN 46383

Respondents.

License Number: 1690000  
801897

**FILED**

DEC 22 2017

STATE OF INDIANA  
DEPT. OF INSURANCE

**FINAL ORDER ADOPTING ADMINISTRATIVE LAW JUDGE'S FINDINGS OF  
FACT, CONCLUSIONS OF LAW AND RECOMMENDED ORDER**

On December 13, 2017, the Administrative Law Judge ("ALJ"), Rueben B. Hill, filed his Findings of Fact, Conclusions of Law and Recommended Order in the above-captioned matter.

1. The Department served ALJ Hill's Findings of Fact, Conclusions of Law, and Recommended Order and Notice of Filing Recommended Order on Respondent by mailing the same to his attorney, Mary Watts.
2. The Department has complied with the notice requirements of Ind. Code § 4-21.5-3-17.
3. Neither party has filed an objection with the Commissioner regarding the Administrative Law Judge's Findings of Fact, Conclusions of Law and Recommended Order.


Therefore, the Commissioner of Insurance, being fully advised, now hereby adopts in full the Administrative Law Judge's Findings of Fact, Conclusions of Law, and Recommended Order and issues the following Final Order:

IT IS THEREFORE ORDERED by the Commissioner of Insurance:

1. That Respondent shall receive a reprimand and be ordered to comply with the following requirements:

- a. Respondent JRB Insurance Group, LLC d/b/a JBI Insurance Group shall be dissolved no later than January 1, 2018.
- b. Respondent Jeffrey Biesen shall complete an additional ten (10) hours of Continuing Education (CE) in ethics within one (1) year of the effective date of this Order and show proof to the Commissioner of his successful completion.
- c. Respondent Jeffrey Biesen shall pay a One Thousand Dollar (\$1,000) fine.

ALL OF WHICH IS ORDERED by the Commissioner this 22 day of December, 2017.

  
Stephen W. Robertson, Commissioner  
Indiana Department of Insurance

Distribution:

Mary Watts  
BINGHAM GREENBAUM DOLL LLP  
2700 Market Tower  
10 West Market St  
Indianapolis, IN 46204-2982

Claire Szpara, Attorney  
Indiana Department of Insurance  
311 W. Washington St., Suite 103  
Indianapolis, IN 46204

STATE OF INDIANA       )  
                                  ) SS:  
COUNTY OF MARION     )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

IN THE MATTER OF:       )

Jeffrey Biesen           )  
JRB Insurance Group, LLC   )  
d/b/a JBI Insurance Group   )  
2108 Chandana Trail       )  
Valparaiso, Indiana 46383   )

CAUSE NO.: 15729-AG17-0310-060

Respondents.            )  
                                  )

License Number: 1690000   )  
                                  801897    )

**FILED**

DEC 13 2017

STATE OF INDIANA  
DEPT. OF INSURANCE

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**FINDINGS OF FACT, CONCLUSIONS OF LAW  
AND RECOMMENDED ORDER**

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Administrative Law Judge Reuben B. Hill ("ALJ"), having heard, reviewed and considered all of the evidence, will now render a decision concerning the matter of Jeffrey Biesen and JRB Insurance Group, LLC d/b/a JBI Insurance Group ("Respondent"). This matter came on to be heard by the ALJ on August 6, 2017 at 10:00 a.m. at the Indiana Department of Insurance at 311 West Washington Street, Indianapolis, Indiana.

The Enforcement Division of the Indiana Department of Insurance ("Department") was represented by counsel, Claire Spara. Respondent appeared in person and was represented by counsel, Mary Watts. Evidence was heard and exhibits were received into evidence.

Based upon the evidence presented at said hearing, the ALJ now makes the following Findings of Fact, Collusions of Law, and issues the Recommended Order.

**FINDINGS OF FACT**

1. Jeffrey R. Biesen is the owner of JRB Insurance Group, LLC d/b/a JBI Insurance Group, 2108 Chandana Trail, Valparaiso, Indiana 46383.
2. JBR is his Resident Producer's Organization that has been licensed since February 1, 2012 ("Agency").
3. Respondent Biesen has been a Resident Licensed Producer since March 12, 1988.

COUNT 1

4. On October 2, 2016, the Indiana Department of Insurance received a complaint from one of Respondent's former employees. The Complaint involved a Premium Finance Agreement for a premium that the insured had already paid in full. Another employee of JRB provided the Department with documents included a copy of the finance agreement and an email communication regarding the communications to Biesen regarding the existence of the finance agreement.
5. The information regarding the complaint alleged that the Respondent personally obtained a premium finance loan #877860 in his own name on a policy that had already been paid in full by the Respondent's client. (See State Department's Exhibit 7.) In addition the client's company was given notice of the finance agreement without the knowledge of the Respondent and unknowingly made two monthly installments on the agreement before they realized the error. The premium finance agreement is a commercial agreement listing Respondent as the Agent and E C

Babilla as the insured. The amount of the agreement totaled Seventy-Six Thousand Seven Hundred Fifty-Seven Dollars and Sixty-Three Cents (\$76,757.63.).

6. E C Babilla Roofing had paid their premium in full to JBI Insurance Group in April 2016. (See State Department's Exhibit 10). E C Babilla Roofing was unaware that a premium finance agreement was taken out in their name. E C Babilla had made two (2) monthly installment payments on the agreement before realizing a problem and contacting the Respondent to find out why this agreement was taken out in their name. (See State Department's Exhibit 8 ).
7. In Respondent's response to the complaint filed against him Respondent stated he took out a personal loan after his comptroller notified him that the Agency was short of money. Without checking his finances Respondent stated that he panicked and took out the loan to insure coverage.
8. The Respondent repaid the loan and repaired his relationship with his client. (See Respondent's Exhibit A1).

#### COUNT 2

9. On October 7, 2016, Respondent's agency (JBI) received coverage cancellation notices for non-payment of premiums for three (3) policies issued to the Town of Lowell ("Lowell"). (See State Department's Exhibit 2 – 4).
  - a. The premium for the three (3) policies was due on September 15, 2016.  
Respondent's Exhibit B states town of Lowell paid the premium in full to JBI on August 17, 2016.
  - b. On September 14, 2016, an unsigned check in the amount of One Hundred Sixty-Two Thousand One Hundred Sixty-Nine Dollars and Forty Cents

(\$162,169.40) was printed by Respondent's agency, however, there was no evidence presented that a payment was mailed or that it ever cleared the bank.

(See State Department's Exhibit 6).

10. On October 11, 2016, Account Manager Stacy Babich notified the Account Producer Larry Hitzman (copy to Jeff Biesen) that a notice of cancellation had been received and a new check was issued due to clerical error. (State Department's Exhibit 5).
11. The premium for this account was paid the same day (October 11, 2016). The insurance policies for the Town of Lowell were never cancelled.
12. On March 17, 2017, the Department filed its Findings of Fact, Conclusions of Law, and Emergency Suspension Order placing Respondent's Producer License on an emergency ninety (90) day suspension. The Emergency Suspension Order was lengthened on June 16, 2017 and is currently in effect.

### **CONCLUSIONS OF LAW**

1. The Commissioner of Insurance has jurisdiction over both the subject matter and the parties to this action.
2. This hearing was held in compliance with the Administrative Orders and Procedures Act of the Indiana Code.
3. Indiana Code 27-1-15.6-12(b) states that the Commissioner may suspend, revoke for a period of years, or permanently revoke an Insurance Producer License, or take any combination of these actions, due to a number of factors.

4. Specifically, Indiana Code 27-1-15.6-12(b)(4) provides the Commissioner may suspend, revoke for a period of years, or permanently revoke an Insurance Producer License for improperly withholding, misappropriating, or converting any monies or property received in the course of doing insurance business.
5. Specifically, Indiana Code 27-1-15.6-12(b)(8) provides the Commissioner may suspend, revoke for a period of years, or permanently revoke an Insurance Producer License for using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in Indiana or elsewhere.
6. The incident involving the failure to timely remit the premium payments for the Town of Lowell was little more than an unnecessary embarrassing demonstration of Respondent's lack of business management skills and his awkward system established among his staff. It appears that the funds were always available in the business account and that several people in the business were aware and that the problem, although embarrassing to company, was easily resolved. On the other hand, the incident involving E C Badilla Roofing is much more troubling and even more difficult to understand. The Respondent sold insurance protection policy to E C Badilla Roofing and at the time of the transaction received payment in full for the first year's premium, which may or may not have been placed in JBI's business account, the premiums were not paid for the coverage. When the Respondent was informed that the policy had not been paid and that there was insufficient funds in the JRB business accounts to cover the payment, he inexplicably "panicked" and obtained a premium finance loan as the agent for JRB Insurance and as the Insurance Producer for E C Badilla Roofing without informing E C Badilla. Biesen



was unaware that the premium finance company sent notice of payments to E C Badilla rather than JRB. E C Badilla made two monthly installment payments on this loan before realizing that they had not incurred the debt. When Biesen discovered the error, he immediately contacted the owner of E C Badilla Roofing and corrected the problem and made amends. (See Respondent's Exhibit A1).

7. Respondent was by his own account, not very interested at all in the business management portion of his company. Since he started in the insurance business in 1988 as a Licensed Insurance Producer, he was very successful. He operated successfully without any reported incidents and had a successful support systems in place during most of his career. It appears that he tried to operate JRB/JBI in the same manner as when his now divorced wife was his business manager and accountant and managed that portion of his business. When he tried to do so on his own by employing "agents" (who he seemed to communicate a lot with by emails to handle his accounting), the breakdown in communications was inevitable. There was no evidence presented to show criminal misconduct by Respondent.

### **RECOMMENDED ORDER**

IT IS THEREFORE RECOMMENDED:

In consideration of the foregoing Findings of Fact and the Conclusions of Law as stated, the Administrative Law Judge now recommends to the **Commissioner of Insurance** the following:

1. In consideration of the fact that Respondent's Residential Insurance Producer License has already been suspended for approximately six (6) months and no evidence of intent to defraud, coerce or use dishonest practices and no evidence of improper financial gain,

Respondent shall receive a reprimand and be ordered to comply with the following requirements.

2. Respondent JRB Insurance Group, LLC d/b/a JBI Insurance Group shall be dissolved no later than January 1, 2018.
3. Respondent Biesen Shall complete an additional ten (10) hours of Continuing Education (CE) in ethics within one (1) year of the effective date of this Order and show proof to the Commissioner of his successful completion.
4. Respondent shall pay a One Thousand Dollar (\$1,000.00) fine.

**ALL OF WHICH IS ADOPTED** by the Administrative Law Judge and recommended to the Commissioner of Insurance this 13<sup>th</sup> day of December, 2017.



Reuben B. Hill, Esq.  
Administrative Law Judge

Distribution:

Claire Szpara  
Enforcement Division of the Indiana  
Department of Insurance  
311 West Washington Street, Suite 103  
Indianapolis, Indiana 46204

Mary H. Watts  
Bingham Greenebaum Doll LLP  
2700 Market Tower  
10 West Market Street  
Indianapolis, Indiana 46204-2982

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NO.: 15729-AG17-0310-060

IN THE MATTER OF:

Jeffrey Biesen  
Respondent

2108 Chandana Trail  
Valparaiso, IN 46383

License Number: 1690000

Type of Action: Enforcement


**FILED**

DEC 15 2017

STATE OF INDIANA  
DEPT. OF INSURANCE

**ORDER GRANTING MOTION TO LENGTHEN EMERGENCY SUSPENSION**

Indiana Department of Insurance Commissioner Stephen W. Robertson, now being so advised, hereby grants Department's Motion to Lengthen Emergency Suspension for an additional ninety (90) days, pursuant to Indiana Code § 4-21.5-4-5(b), or until a Final Order is issued in this matter, whichever time period is shorter, effective this 15 day of December, 2017.

  
Stephen W. Robertson, Commissioner  
Indiana Department of Insurance

Distribution:

Mary Watts  
BINGHAM GREENEBAUM DOLL LLP  
2700 Market Tower  
10 W Market St.  
Indianapolis, IN 46204-2982

Claire Szpara  
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311 West Washington Street, Suite 103  
Indianapolis, Indiana 46204  
(317) 232-5312

STATE OF INDIANA     )  
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BEFORE THE INDIANA  
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Type of Action: Enforcement

**FILED**

DEC 15 2017

STATE OF INDIANA  
DEPT. OF INSURANCE

**MOTION TO LENGTHEN EMERGENCY SUSPENSION**

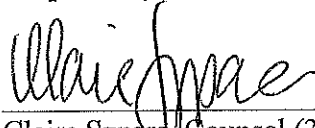
The Indiana Department of Insurance ("Department") moves pursuant to Indiana Code § 4-21.5-4-5 for an Order lengthening the emergency license suspension of Jeffrey Biesen ("Respondent"). As grounds for the Continuance, the Department states:

1. On March 17, 2017, the Department filed its Findings of Fact, Conclusions of Law, and Emergency Order ("Emergency Order") suspending Respondent's license for ninety (90) days, pursuant to Indiana Code § 4-21.5-4-2(a)(1).
2. Respondent's license was suspended due to allegations that Respondent failed to remit premium received from various clients to the respective insurance carriers. In one case, Respondent arranged periodic payment of premium through a premium financing company, even though the premium had been paid in advance.

3. The Department filed a Statement of Charges against Respondent on July 3, 2017. On August 16, 2017, a hearing on the Statement of Charges was in compliance with the Administrative Orders and Procedures Act of the Indiana Code.
4. On December 13, 2017, the Administrative Law Judge (“ALJ”) filed his Findings of Fact, Conclusions of Law, and Recommended Order (“Recommended Order”).
5. The parties have eighteen (18) days from the filing of the Recommended Order to object to the Recommended Order.
6. The Commissioner of the Department of Insurance (“Commissioner”) has sixty (60) days thereafter to file the Final Order.
7. Indiana Code § 4-21.5-4-5(b) states that during the pendency of any related proceedings under Indiana Code § 4-21.5-3, the agency responsible for the proceeding may renew the order for a successive ninety (90) day period.
8. The related proceeding on the Statement of Charges is still pending as a Final Order has not been issued. The Department is still evaluating the Recommended Order and the 18-day period to file an objection has not passed.
9. It is in the best interest of the public that Respondent’s emergency suspension continues until this matter can be resolved.
10. The Department has contacted counsel for the Respondent, and Respondent opposes this motion.

WHEREAS, the Department requests that the Emergency Order be renewed for an additional ninety (90) days, or until a Final Order is issued in the related matter, whichever time period is shorter.

Respectfully submitted,

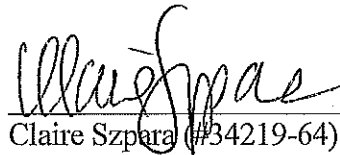
A handwritten signature in cursive script, appearing to read "Claire Szpara", written over a horizontal line.

Claire Szpara, Counsel (34219-64)  
Indiana Department of Insurance  
311 West Washington Street, Suite 103  
Indianapolis, Indiana 46204

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing has been sent by first class United States mail, proper postage prepaid to the following on this 15 day of December, 2017.

Mary Watts  
BINGHAM GREENEBAUM DOLL LLP  
2700 Market Tower  
10 W. Market St.  
Indianapolis, IN 46204-2982

  
\_\_\_\_\_  
Claire Szpara (#34219-64)

INDIANA DEPARTMENT OF INSURANCE  
311 West Washington Street  
Suite 103  
Indianapolis, Indiana 46204  
(317) 232-5312

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NO.: 15729-AG17-0310-060

IN THE MATTER OF:

Jeffrey Biesen  
Respondent

2108 Chandana Trail  
Valparaiso, IN 46383

License Number: 1690000

Type of Action: Enforcement


**FILED**

SEP 15 2017

STATE OF INDIANA  
DEPT. OF INSURANCE

ORDER GRANTING MOTION TO LENGTHEN EMERGENCY SUSPENSION

Indiana Department of Insurance Commissioner Stephen W. Robertson, now being so advised, hereby grants Department's Motion to Lengthen Emergency Suspension for an additional ninety (90) days, pursuant to Indiana Code § 4-21.5-4-5(b), or until a Final Order is issued in this matter, whichever time period is shorter, effective this 15 day of September 2017.

  
Stephen W. Robertson, Commissioner  
Indiana Department of Insurance

Distribution:

Mary Watts  
BINGHAM GREENEBAUM DOLL LLP  
2700 Market Tower  
10 W Market St.  
Indianapolis, IN 46204-2982

Claire Szpara  
INDIANA DEPARTMENT OF INSURANCE  
311 West Washington Street, Suite 103  
Indianapolis, Indiana 46204  
(317) 232-5312



STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NO.: 15729-AG17-0310-060

IN THE MATTER OF: )

Jeffrey Biesen )  
Respondent )

2108 Chandana Trail )  
Valparaiso, IN 46383 )

License Number: 1690000 )

Type of Action: Enforcement )

**FILED**

SEP 15 2017

STATE OF INDIANA  
DEPT. OF INSURANCE

**MOTION TO LENGTHEN EMERGENCY SUSPENSION**

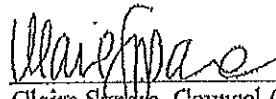
The Indiana Department of Insurance ("Department") moves pursuant to Indiana Code § 4-21.5-4-5 for an Order lengthening the emergency license suspension of Jeffrey Biesen ("Respondent"). As grounds for the Continuance, the Department states:

1. On March 17, 2017, the Department filed its Findings of Fact, Conclusions of Law, and Emergency Order ("Emergency Order") suspending Respondent's license for ninety (90) days, pursuant to Indiana Code § 4-21.5-4-2(a)(1).
2. Respondent's license was suspended due to allegations that Respondent failed to remit premium received from various clients to the respective insurance carriers. In one case, Respondent arranged periodic payment of premium through a premium financing company, even though the premium had been paid in advance.

3. Indiana Code § 4-21.5-4-5(b) states that during the pendency of any related proceedings under Indiana Code § 4-21.5-3, the agency responsible for the proceeding may renew the order for successive ninety (90) day periods.
4. On August 16, 2017, a hearing was held in compliance with the Administrative Orders and Procedures Act of the Indiana Code.
5. It is in the best interest of the public that Respondent's emergency suspension continues until this matter can be resolved.
6. The Department has contacted counsel for the Respondent, and Respondent opposes this motion.

WHEREAS, the Department requests that the Emergency Order be lengthened for an additional ninety (90) days, or until a Final Order is issued in this matter, whichever is shorter.

Respectfully submitted,




Claire Spata, Counsel (34219-64)  
Indiana Department of Insurance  
311 West Washington Street, Suite 103  
Indianapolis, Indiana 46204

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing has been sent by first class United States mail, proper postage prepaid to the following on this 15 day of September, 2017.

Mary Watts  
BINGHAM GREENEBAUM DOLL LLP  
2700 Market Tower  
10 W. Market St.  
Indianapolis, IN 46204-2982

  
\_\_\_\_\_  
Claire Szpara (B4219-64)

INDIANA DEPARTMENT OF INSURANCE  
311 West Washington Street  
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Indianapolis, Indiana 46204  
(317) 232-5312

STATE OF INDIANA     )  
                              ) SS:  
COUNTY OF MARION    )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NUMBER: 15729-AG17-0310-060

IN THE MATTER OF:

Jeffrey Biesen  
JRB Insurance Group, LLC  
d/b/a JBI Insurance Group  
2108 Chandana Trail  
Valparaiso, IN 46383

Respondent.

License Number: 1690000  
801897

Type of Action: Enforcement

**FILED**

JUL 03 2017

STATE OF INDIANA  
DEPT. OF INSURANCE

**STATEMENT OF CHARGES**

The Enforcement Division of the Indiana Department of Insurance ("Department"), by counsel, Claire Szpara, pursuant to the Indiana Administrative Orders and Procedures Act, Indiana Code § 4-21.5-1 *et seq.*, files its Statement of Charges against Jeffrey Biesen ("Respondent") and JRB Insurance Group, LLC d/b/a JBI Insurance Group ("JRB"), as follows:

**FACTS**

1. Respondent, a resident insurance producer, has held license number 1690000 since March 12, 1988 ("Respondent's license").
2. JRB, a resident producer organization, has held license number 801897 since February 1, 2012 ("Agency license").
3. Respondent is the owner of JRB.

4. On October 7, 2016, JRB received coverage cancellation notices for non-payment of premium from three (3) policies issued to Town of Lowell, Indiana ("Lowell"). Lowell was not initially aware of the coverage cancellation notices.
5. Lowell paid the policy premiums in full to JRB and JRB was in possession of the premium since August 17, 2016. The premium on Lowell's policies was due September 15, 2016.
6. On April 25, 2016, B.C. Babilla, Inc. ("Babilla") paid their commercial general liability and umbrella policy premium in full to JRB.
7. On June 15, 2016, Respondent entered into a premium finance agreement listing JRB as the agent and Babilla as the insured.
8. Babilla was not informed that a loan was taken out in their name.
9. Babilla proceeded to make two (2) payments on this finance agreement before contacting JRB to determine why they were making payments on a loan that they did not take out and for premium that was paid to JRB in full.
10. On March 17, 2017, Respondent's license was suspended by emergency order of the Commissioner pursuant to Indiana Code § 4-21.5-4-2(a)(1).
11. The emergency order, filed under cause number 15729-AG17-0310-060, suspended Respondent's license for ninety (90) days.
12. On March 17, 2017, the emergency order was mailed to Respondent's addresses of record with the Department.
13. On June 16, 2017, the emergency suspension on Respondent's license was lengthened for an additional ninety (90) days or until a Final Order is issued on the matter, whichever is shorter.

COUNT 1

14. Averments 1 through 13 are incorporated fully herein by reference.
15. Indiana Code § 27-1-15.6-12(b) states the Commissioner may revoke an insurance producer license, due to a number of causes.
16. Specifically, Respondent violated Indiana Code § 27-1-15.6-12(b)(4), which states a producer shall not improperly withhold, misappropriate, or convert any monies or properties received in the course of doing insurance business.

COUNT 2

17. Averments 1 through 16 are incorporated fully herein by reference.
18. Indiana Code § 27-1-15.6-12(b) states the Commissioner may revoke an insurance producer license, due to a number of causes.
19. Specifically, Respondent violated Indiana Code § 27-1-15.6-12(b)(8), which states a producer shall not use fraudulent, coercive, or dishonest practices, or demonstrate incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in Indiana or elsewhere.

WHEREFORE, the Enforcement Division of the Indiana Department of Insurance, by counsel, Claire Szpara, requests that the Commissioner set this matter for a hearing and;

- (1) Issue an order permanently revoking Respondent's insurance producer license; and
- (2) Issue an order permanently revoking Respondent's agency license.

Respectfully submitted,



Claire Szpara, #34219-64  
Attorney, Enforcement Division

Claire Szpara  
Indiana Department of Insurance  
Enforcement Division  
311 West Washington Street, Suite 103  
Indianapolis, Indiana 46204-2787  
Telephone: (317) 232-5312  
Facsimile: (317) 232-5251

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing has been served upon the following Respondent by

United States first class mail, postage prepaid, this 3 day of July, 2017.

Mary Watts  
BINGHAM GREENBAUM DOLL LLP  
2700 Market Tower  
10 West Market St  
Indianapolis, IN 46204-2982

  
\_\_\_\_\_  
Claire Szpara

STATE OF INDIANA )  
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BEFORE THE INDIANA  
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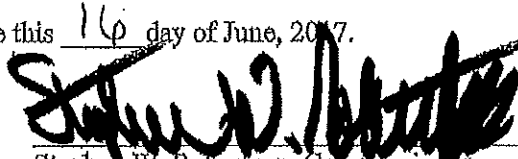
**FILED**

JUN 16 2017

STATE OF INDIANA  
DEPT. OF INSURANCE

ORDER GRANTING MOTION TO LENGTHEN EMERGENCY SUSPENSION

Indiana Department of Insurance Commissioner Stephen W. Robertson, now being so advised, hereby grants Department's Motion to Lengthen Emergency Suspension for an additional ninety (90) days, pursuant to Indiana Code § 4-21.5-4-5(b), or until a Final Order is issued in this matter, whichever time period is shorter, effective this 16 day of June, 2017.

  
Stephen W. Robertson, Commissioner  
Indiana Department of Insurance

Distribution:

Mary Watts  
BINGHAM GREENEBAUM DOLL LLP  
2700 Market Tower  
10 W Market St.  
Indianapolis, IN 46204-2982

Claire Szpara  
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STATE OF INDIANA )  
 ) SS:  
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BEFORE THE INDIANA  
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CAUSE NO.: 15729-AG17-0310-060

IN THE MATTER OF:

Jeffrey Biesen  
Respondent

2108 Chandana Trail  
Valparaiso, IN 46383

License Number: 1690000

Type of Action: Enforcement

**FILED**

JUN 16 2017

STATE OF INDIANA  
DEPT. OF INSURANCE

**MOTION TO LENGTHEN EMERGENCY SUSPENSION**

The Indiana Department of Insurance ("Department") moves pursuant to Indiana Code § 4-21.5-4-5 for an Order lengthening the emergency license suspension of Jeffrey Biesen ("Respondent"). As grounds for the Continuance, the Department states:

1. On March 17, 2017, the Department filed its Findings of Fact, Conclusions of Law, and Emergency Order ("Emergency Order") suspending Respondent's license for ninety (90) days, pursuant to Indiana Code § 4-21.5-4-2(a)(1).
2. Respondent's license was suspended due to allegations that Respondent failed to remit premium received from various clients to the respective insurance carriers. In one case, Respondent arranged periodic payment of premium through a premium financing company, even though the premium had been paid in advance.
3. An evidentiary hearing on the Emergency Order has not been held.

4. Indiana Code § 4-21.5-4-5(b) states that during the pendency of any related proceedings under Indiana Code § 4-21.5-3, the agency responsible for the proceeding may renew the order for successive ninety (90) day periods.
5. The Department and Respondent's counsel are currently discussing possible resolutions of this matter and have agreed that if no resolution can be reached a hearing will be held.
6. It is in the best interest of the public that Respondent's emergency suspension continues until this matter can be resolved.
7. The Department has contacted counsel for the Respondent, and Respondent opposes this motion.

WHEREAS, the Department requests that the Emergency Order be lengthened for an additional ninety (90) days, or until a Final Order is issued in this matter, whichever is shorter,

Respectfully submitted,




Claire Szpara, Counsel (34219-64)  
Indiana Department of Insurance  
311 West Washington Street, Suite 103  
Indianapolis, Indiana 46204

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing has been sent by first class United States mail, proper postage prepaid to the following on this 18 day of June, 2017.

Mary Watts  
BINGHAM GREENEBAUM DOLL LLP  
2700 Market Tower  
10 W. Market St.  
Indianapolis, IN 46204-2982

  
\_\_\_\_\_  
Claire Szpata (B4219-64)

INDIANA DEPARTMENT OF INSURANCE  
311 West Washington Street  
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Indianapolis, Indiana 46204  
(317) 232-5312

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NO.: 15729-AG17-0310-060

IN THE MATTER OF:

Jeffrey Biesen  
Respondent

2108 Chandana Trail  
Valparaiso, IN 46383

License Number: 1690000

Type of Action: Enforcement

**FILED**

MAR 17 2017

STATE OF INDIANA  
DEPT. OF INSURANCE

**FINDINGS OF FACT, CONCLUSIONS OF LAW,  
AND EMERGENCY ORDER**

The Commissioner of the Indiana Department of Insurance ("Commissioner"), being duly advised, now issues the following Findings of Fact, Conclusions of Law, and Emergency Order:

**FINDINGS OF FACT**

1. Jeffrey A. Biesen ("Respondent") is a licensed resident insurance producer, holding license number 169000.

2. Evidence has been submitted to the Enforcement Division demonstrating that Respondent has failed on several occasions to forward premium received in the course of business to the insurance carrier binding the coverage.

a. The Town of Lowell, IN received coverage cancellation notices for non-payment of premium for several policies issued by Travelers Insurance on October 4, 2016. The premium was due September 15, 2016, and had been in the Respondent's possession since August 17, 2016.

- b. Retro-Tech Systems paid their premium in installments in 2016. Each of the six (6) payments the insured made for the period of January through June, 2016 were held by the Respondent for at least three (3) months before the premium was sent to the carrier, CNA full name ("CNA").
- c. E. C. Babilla, Inc.'s ("Babilla") premium was paid in full at the effective date of their Comprehensive General Liability and Umbrella policies, but Respondent failed to remit the premium to the insurance company and financed the premium with AFS IBEX, a division of MetaBank.
  - i. The principal of Babilla was unaware that the premium was financed and made payments directly to the finance company before they became aware of the financing arrangement.

### CONCLUSIONS OF LAW

1. The Commissioner of Insurance has jurisdiction over both the subject matter and the parties to this action.
2. Under Ind. Code § 27-1-15.6-12(b)(8), the Commissioner may suspend a producer's license for using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in Indiana or elsewhere.
3. Additionally, under Ind. Code § 27-1-15.6-12(b)(4), the Commissioner may suspend a producer's license for improperly withholding, misappropriating, or converting any monies or properties received in the course of doing insurance business.

4. Respondent, as alleged, failed to remit premium received from various clients to the respective insurance carriers. In one case, Respondent arranged periodic payment of premium through a premium financing company, even though the premium had been paid in advance.

5. Based on the serious financial risk to Indiana consumers, an emergency exists such that an emergency order is appropriate under Ind. Code § 4-21.5-4-1.

6. This Emergency Order is issued pursuant to Ind. Code § 4-21.5-4-2(a)(1).

7. Conclusions of Law that are properly stated as Findings of Fact are incorporated herein.

#### ORDER

With the Findings of Fact and Conclusions of Law as stated above, the Commissioner now orders:

1. Jeffrey Biesen's insurance producer license is hereby immediately suspended for ninety (90) days.

Under Ind. Code § 4-21.5-4-3, this Emergency Order is effective when issued. **Respondent has the right to request a hearing on this Emergency Order by filing a request for a hearing with the Department**, and if requested, an evidentiary hearing will be set on the matter as soon as practicable.

SO ORDERED this 17<sup>th</sup> day of March, 2017.



Stephen W. Robertson  
Insurance Commissioner

Distribution to:

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